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ATTORNEY AT LAW

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MEMORANDUM

TO: Tom Brymer, City Manager  
City of College Station

Jim Smith, Executive Director  
BVSWMA

CC: Harvey Cargill, City Attorney  
City of College Station

FROM: Skip Fowler **RDF**

DATE: April 30, 2001

SUBJECT: Amendment No. 4 of Employment Contract with College Station

My existing employment contract with College Station is for a total of \$125,000. I have attached to this memorandum an analysis of amounts expended through March 31, 2001. That total for myself and all subcontractors is \$112,778.28. At this point the extent of my continued involvement is unclear. However, as the indicated amounts do not include my services for April I want to provide sufficient room under our contract to allow me to pursue any and all foreseeable work assigned without requiring a contract amendment prior to moving forward.

Accordingly, I am requesting that my employment contract with the City be increased by \$40,000 to a total of \$165,000 (\$125,000 current, plus \$40,000 increase).

Let me say that I feel as though both this firm and our subcontractors have been cost conscious. That being said, the title and surveying aspects of the property chosen have been difficult. I feel confident that our approach has been professional and that the efforts expended are required and in the best interests of the City in acquiring the property.

Amounts paid to the surveyor include fees related to determination of College Station's ETJ vis-a-vis the Trant tract and the surveyor signing and sealing field notes and the survey of the 609.50-acre tract used in the land use application

for the facility filed with the TNRCC. Likewise, the work performed by the title company and coordinated by me will be usable by a condemnation attorney and should serve to expedite that process.

Please advise me immediately if you have any questions or comments.

Should this amendment meet with the City's approval, please sign in the space indicated below, and return the original of this memorandum to me.

APPROVAL OF CONTRACT AMOUNT  
FROM \$125,000 TO \$165,000

CITY OF COLLEGE STATION

By: \_\_\_\_\_  
Printed name: \_\_\_\_\_  
Title: \_\_\_\_\_

RDF/asl  
2048\000-021.MMO

### CONTRACT ANALYSIS

My time expended through March 31, 2001	\$62,923.12
Out-of-pocket expenses	1,621.08
Subtotal	<u>\$64,544.20</u>
Amounts paid to landman (William A. Stewart & Assoc.)	18,853.14
Amounts paid to mineral interest attorney (Cauthorn, Hale)	1,478.00
Amounts paid to surveyor (Strong Surveying)	19,408.50
Amounts paid to John Hamilton	975.00
Amounts paid to abstract company (Navasota Abstract)	6,456.94
Amounts paid to Steve Sampson, condemnation attorney	1,062.50
Subtotal to subcontractors	<u>48,234.08</u>
TOTAL BILLED	<u>\$112,778.28</u>